

ATTACHMENT 12

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMG Services, Inc. et al.,

Defendants, and

Park 269 LLC, et al.,

Relief Defendants.

Case No. 2:12-cv-536

**PLAINTIFF'S FIRST SET
OF INTERROGATORIES
TO DEFENDANT AMG
CAPITAL MANAGEMENT,
LLC**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff, the Federal Trade Commission (“FTC”), by its undersigned attorneys, submits to Defendant AMG Capital Management, LLC the following interrogatories. The FTC requests that Defendant AMG Capital Management, LLC respond to these interrogatories, in writing and under oath, in accordance with the definitions and instructions set forth below, and that such responses be returned within the time period prescribed by the Federal Rules of Civil Procedure at the Commission’s Washington, D.C. office at 600 Pennsylvania Avenue, N.W., NJ-3158, Washington, D.C. 20580.

DEFINITIONS

Notwithstanding any definition set forth below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. As used in these Interrogatories, the following terms are to be interpreted in accordance with these definitions:

1. **“And,”** as well as **“or,”** shall be construed both conjunctively and disjunctively, as necessary, in order to bring within the scope of any specification in this Schedule all information that otherwise might be construed to be outside the scope of the specification.
2. **“All”** means “any and all.”
3. **“AMG Capital”** means AMG Capital Management, LLC, its wholly or partially owned subsidiaries, unincorporated divisions, joint ventures, operations under assumed names, and affiliates, and all directors, officers, employees, agents, consultants, and other persons working for or on behalf of the foregoing.
4. **“Any”** means “any and all.”

1 5. “**Associated Persons**” means Miami Tribe of Oklahoma, Modoc Tribe of
2 Oklahoma, Santee Sioux Nation, MNE Services, Inc., Norma Tucker, Crystal Cram,
3 Charles Hallinan, Hallinan Capital, or Joel Tucker, including any wholly or partially
4 owned subsidiaries, unincorporated divisions, joint ventures, operations under assumed
5 names, and affiliates, and all directors, officers, employees, agents, consultants, and other
6 persons working for or on behalf of the foregoing.

7 6. “**Defendant**” means any defendant in the above-captioned action.

8 7. The term “**Document**” is used in the broadest sense of the word and means any
9 written, recorded, or graphic material that is in the defendant’s possession, custody, or
10 control including but not limited to: memoranda, reports, letters, telegrams, facsimiles,
11 electronic mail, voice mail, other electronic correspondence, and any other
12 communications recorded in any form or medium; notes, minutes, and transcripts of
13 conferences, meetings, depositions, and telephone or other communications; solicitations,
14 advertisements, offers, confirmations, contracts and other agreements; statements,
15 ledgers, invoices, receipts, customer or vendor lists, and other records of financial matters
16 or commercial transactions; financial models, statistical models, surveys, studies,
17 computer printouts, and other data compilations; notebooks, calendars, and diaries; plans,
18 proposals, scripts, and specifications; publications, manuals, supplements, indices,
19 abstracts, pamphlets, and fliers; photographs, diagrams, graphs, charts, and other
20 drawings; transparencies, view graphs, foils, slides, handouts, and multimedia
21 presentations; photocopies, microfilm, microfiche, and other copies or reproductions;
22 audio and video recordings; tape, disk (including all forms of magnetic, magneto-optical,
23 and optical disks), and other electronic recordings. The term includes all drafts of a
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1 document; the original document (or an identical copy if the original is no longer
2 available); and all copies that differ in any way from the original (including as to any
3 notations, underlining, markings, or electronically imbedded comments or codes). The
4 term also includes information stored in, or accessible through, computer or other
5 information retrieval systems, together with instructions and all other materials necessary
6 to use or interpret such data compilations.

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8 8. **“Each”** shall be construed to include **“every,”** and **“every”** shall be construed to
9 include **“each.”**

10 9. **“Identify”** and **“the identity of”** with respect to persons means to state the
11 identification of (a) natural persons by name, title, job responsibilities, present business
12 affiliation, present business address, telephone number, and email address, or if a present
13 business affiliation or present business address are not known, the last known business
14 and home addresses, last known telephone number(s), and last known email address(es);
15 and (b) businesses or other organizations by name, address, contact person, and telephone
16 number, where applicable. Once a person has been identified in accordance with this
17 subparagraph, only the name of that person need be listed in response to subsequent
18 discovery requesting the identification of that person.

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20 10. **“Including”** means “including but not limited to.”

21 11. **“Owner”** means any Person with an ownership or equity stake, including, but not
22 limited to, any Person who received remuneration of any kind based on Your revenues or
23 profit.
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25 12. **“Person”** means any natural person or any business, legal or governmental entity,
26 or association.
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1 13. **“Relating to”** shall mean discussing, describing, reflecting, containing, analyzing,
2 studying, reporting, commenting, evidencing, constituting, setting forth, considering,
3 recommending, concerning, or pertaining to, in whole or in part.

4 14. **“Relief Defendant”** means any relief defendant in the above-captioned action.

5 15. **“You”** and **“Your”** shall mean the person or entity to whom these interrogatories
6 are issued.

7 INSTRUCTIONS

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9 A. In responding to these Interrogatories, furnish all information and documents
10 available, including information and documents in your or your agents’ possession,
11 custody, or control, or otherwise subject to your possession or control at the time of such
12 production.

13 B. Unless otherwise directed in the specifications, the applicable time period for the
14 interrogatory shall be from 2002 until the completion of this action. To the extent that
15 circumstances have changed during this time period, answer the interrogatory with
16 respect to each set of circumstances and identify the date on which the circumstances
17 have changed. These interrogatories are continuing in nature, up to and during the course
18 of the trial. Your response to these interrogatories must be supplemented as you obtain
19 additional information affecting any of your responses.

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21 C. If you cannot answer all or part of any interrogatory in full after exercising due
22 diligence to secure the full information to do so, state this and answer to the extent
23 possible, specifying your inability to answer the remainder, stating whatever information
24 or knowledge you have concerning the unanswered portion, and detailing what you did in
25 attempting to secure the unknown information.
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1 D. If you object to any part of an interrogatory, answer all parts of such interrogatory
2 to which you do not object.

3 E. If anything is deleted from a document produced in response to an interrogatory,
4 list: (1) the reason for the deletion, and (2) the subject matter of the deletion.

5 F. If any privilege is claimed as a ground for not responding to an Interrogatory,
6 provide a privilege log describing the basis for the claim of privilege and all information
7 necessary for Plaintiff and the Court to assess the claim of privilege, in accordance with
8 Federal Rule of Civil Procedure 26(b)(5). The privilege log shall include the following:
9 (i) specific grounds for the claim of privilege; (ii) the date of the privileged
10 communication; (iii) the persons involved in the privileged communication; (iv) a
11 description of the subject matter of the privileged communication in sufficient detail to
12 assess the claim of privilege; and (v) the Interrogatory to which the privileged
13 information is responsive.
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15 G. Whenever necessary to bring within the scope of an Interrogatory a response that
16 might otherwise be construed to be outside its scope, the following constructions should
17 be applied:
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- 19 1. Construing the terms “and” and “or” in the disjunctive or conjunctive, as
20 necessary, to make the Interrogatory more inclusive;
- 21 2. Construing the singular form of any word to include the plural and the
22 plural form to include the singular;
- 23 3. Construing the past tense of the verb to include the present tense and the
24 present tense to include the past tense;
- 25 4. Construing the masculine form to include the feminine form;
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1 5. Construing the term “Date” to mean the exact day, month, and year if
2 ascertainable; if not, the closest approximation that can be made by means
3 of relationship to other events, locations, or matters; and

4 6. Construing negative terms to include the positive and vice-versa.

5 H. If you have any questions, please contact Jason Schall at 202-326-2251.

6 **INTERROGATORIES**

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8 1. For AMG Capital and any parent, subsidiary, division or affiliate thereof, identify
9 the type of business organization, the principal place of business, the date of organization,
10 any trade or business names, and the jurisdiction where the business was organized.

11 2. Identify all of Your Owners during the time period covered by these
12 interrogatories, stating the percentage ownership stake of each, duration of ownership of
13 each, and whether and how much each is compensated based on your profits or revenues.

14 3. Identify any payments, including, but not limited to, in-kind payments and
15 purchases of goods and services, made by You or at Your direction to, or for the benefit
16 of, any other Defendant, any Relief Defendant, or any Associated Person, including, for
17 each payment, the amount of payment, date of payment, method of payment, and detailed
18 reason for payment.
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20 4. Identify any payments, including, but not limited to, in-kind payments and
21 purchases of goods and services, made to You, on your behalf, or for Your benefit, by
22 any other Defendant, Relief Defendant, or Associated Person including for each payment,
23 the amount of payment, date of payment, method of payment, and detailed reason for
24 payment.
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7. For each interrogatory and request for production, including, but not limited to, any future interrogatories and requests for production in this case, identify all individuals who assisted in Your responses and custodians of all documents produced.

/s/ Nikhil Singhvi
Nikhil Singhvi
Jason D. Schall
Julie G. Bush
Helen P. Wong

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